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In the Matter of
U.S. DEPARTMENT OF LABOR,
OFFICE OF CIVIL RIGHTS,

Plaintiff,

v.

ALASKA STATE,
DEPARTMENT OF LABOR,

Defendant.
.....

Case No. 82-WPA-1

ORDER OF DISMISSAL

This case was initiated by a request for a hearing by the Alaska State Department of Labor following a Final Determination by the Office of Civil Rights which held that the Alaska Job Service was in violation of Section 504 of the Rehabilitation Act of 1973. On March 24, 1982 the parties in this case submitted the attached consent decree and stated that they no longer wish to pursue this action.

Therefore, for good cause showing, the above-captioned case is DISMISSED.

Everette E. Thomas
EVERETTE E. THOMAS
Deputy Chief Judge

Dated: 11 MAY 1982
Washington, D.C.


EET:jeh

SERVICE SHEET

Case No. 82-SPA-1

Case Name: U.S. Department of Labor v. Alaska State

I certify that a copy of the foregoing ORDER OF DISMISSAL was sent to the following individuals on 11 MAY 1982.


Secretary

Daniel C. Bell, Jr.
P.O. Box 3720
Anchorage, AK 99510

Mr. A. G. Ziling
Director, Employment
Security Division
U.S. Department of Labor
P.O. Box 3-7000
Juneau, AK 99811

George V. Mortensen
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U.S. DEPARTMENT OF LABOR
Office of Administrative Law Judges
1111 20th Street, N.W.
Washington, D.C. 20036

U.S. Department of Labor,
Office of Civil Rights,

Plaintiff,

v.

Alaska State,
Department of Labor,

Defendant.

82-WPA-1
Case No. ~~81-CETA-98~~
CONSENT DECREE

MAR 2 4 15 PM '82
OFFICE OF THE ASST. DIR.
U.S. DEPT. OF LABOR
WASHINGTON, D.C.

This case was initiated by the complaint of Daniel C. Bell against the Alaska State Department of Labor Job Service (Alaska JS), alleging discrimination on the basis of handicap, which is prohibited by Section 504 of the Rehabilitation Act of 1974, as amended, (Section 504) and the implementing regulations (29 CFR Part 32, 45 FR 66706, October 7, 1980.) Mr. Bell, who is deaf, alleged that he had been denied the benefits of the Job Service by its failure or refusal to provide or make available a trained interpreter for the deaf. Upon investigation by the Office of Civil Rights, the Director of the Region X Office of Civil Rights issued his Final Determination in this case, finding apparent violations of section 504 and the regulations by the Alaska JS.

The Alaska JS denied that it discriminated on the basis of handicap against Mr. Bell.

The U.S. Department of Labor has jurisdiction over the parties and the subject matter of this action. This Decree is final and binding between the parties and their successors, as to the issues raised by the administrative complaint and the investigation and addressed herein.

finding on the merits of the case and shall not be construed as an admission or acknowledgement by the Respondents of any violation of section 504. This Decree shall be without prejudice to the filing or the prosecution of any individual complaint, other than the administrative complaint filed herein.

This Decree applies to, and is limited to, the operations of the Alaska JS at all of its facilities as more specifically set forth herein.

Upon the consent of the parties to this action, it is ORDERED, ADJUDGED, AND DECREED that:

1. Alaska JS agrees that it shall conduct all programs, activities and services in a manner which does not discriminate on the basis of handicap in violation of section 504.

2. Alaska JS agrees to give notice to all persons affected by this Decree by posting a notice summarizing its requirements in a conspicuous place on the bulletin boards at each of its facilities for a period of at least six (6) months, beginning fifteen (15) days from the effective date of this Decree, and by publishing a summary of its requirements in all Alaska JS documents intended for public distribution including brochures, advertisements and other publications. In addition, Alaska JS shall give notice of its services available for the deaf and hearing impaired to the following publications and organizations:

- Interpreter Referral Line Newsletter of Anchorage
- Anchorage Club of the Deaf
- Alaska Association of the Deaf
- Alaska State Program for the Deaf
- National Association of the Deaf

3. Alaska JS shall install or have installed a TTY telephone in its offices in Anchorage. Alaska JS shall include the TTY telephone numbers for this telephone in all Alaska JS telephone listings throughout the State and shall arrange for toll free line service for a TTY for those parts of the State not within the local service area of this TTY. Alaska JS shall provide a trained operator to operate the TTY on an as needed basis.

4. Alaska JS shall provide trained interpreter services for deaf and hearing impaired JS applicants. Alaska JS may arrange to provide these services at central locations and at specified times, provided that such services shall be made available at a minimum at the Alaska JS offices in Anchorage. The Department of Labor may suggest changes in the frequency and location of provision of such services if, after review of the reports required under this Decree, it determines that sufficient services for the deaf and hearing impaired have not been provided. If the parties are unable to agree on such changes in services for the deaf, either party may submit the matter to the Administrative Law Judge within 60 days after the Department of Labor suggests such changes in writing.

5. Alaska JS agrees to furnish semi-annual reports to the Department of Labor detailing its actions in complying with the requirements of this Decree. Such reports shall include at a minimum the number of calls received by TTY at each location, the number of calls received from each location in the State, and the dates, times and places interpreter services were provided. The first such report shall be submitted within (6) months from the effective

date of this Decree, and subsequent reports shall be submitted every six (6) months thereafter until the termination of this Decree. Said reports shall, in addition to the information specified above, contain any information within the control of the Alaska JS and related to compliance with this decree requested by the Department of Labor at any time up to thirty (30) days prior to the due date of the reports required under this section.

6. Alaska JS agrees that any information within its control which the Department of Labor deems necessary to ascertain compliance with the provisions of this Consent Decree shall be made available for inspection and copying during normal business hours upon reasonable notice to Alaska JS.

7. Alaska JS shall maintain for the duration of this Decree all support documents relating to the semi-annual reports including but not limited to records of TTY telephone calls and interpreter services provided by applicant name and shall make such documents available for inspection and copying during normal business hours and upon reasonable notice.

8. Alaska JS shall provide Mr. Daniel Bell up to four hours of interpreter service per month, if requested, for a period of one year from the date of this decree. The interpreter shall be a person chosen by Mr. Bell.


9. If at any time during the duration of this Consent Decree the Department of Labor believes that Alaska JS is in violation of any of the terms of this Consent Decree, the Department of Labor shall notify the Alaska JS in writing of the alleged violation(s), and if the matter cannot be

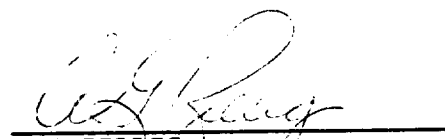
resolved within thirty (30) days after such notice, the Department of Labor may move the Administrative Law Judge for an expedited hearing. Where the Department of Labor believes that Alaska JS has breached the terms of this Decree, evidence regarding the entire scope of Alaska JS's alleged noncompliance which gave rise to this action from which this Decree resulted, in addition to evidence regarding Alaska JS's alleged violation(s) of this Decree, may be introduced at the enforcement proceeding; provided that the only matter at issue in such an enforcement proceeding shall be the specific alleged non-compliance of Alaska JS with the terms and conditions of this decree.

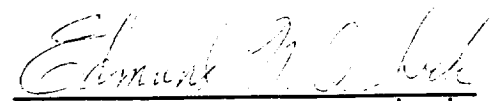
10. Nothing contained in this Decree shall be construed to preclude any individual from filing a complaint or charge with any Federal, State or local agency alleging discrimination or violations of any Federal, State or local equal opportunity law (except as provided for herein). Nothing in this Decree shall be construed to preclude Daniel Bell from taking further civil action against the State of Alaska in this matter.


11. This Decree shall remain in effect for three (3) years.

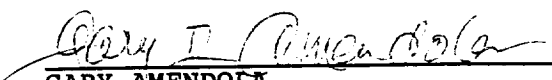
CONSENTED:


NATHANIEL BACCUS, III
Director
Office of Civil Rights



ART ZILLIG
Director, Employment Security Division
Alaska State Department
of Labor


EDWARD N. ORBECK, Commissioner
Alaska Department of Labor


MICHAEL SNYDER BATTLES
Counsel for Office
of Civil Rights


GARY AMENDOLA
Counsel for Alaska State
Department of Labor

It is so Ordered, this 4th day of March,
1982


Administrative Law Judge